



Roll Call Number

24-1171

Agenda Item Number

41

Date August 19, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM JSG PROPERTIES, LLC (OWNER), REPRESENTED BY GARY JONES (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 3001 MCKINLEY AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM BUSINESS PARK TO INDUSTRIAL, AND TO REZONE THE PROPERTY FROM “EX” MIXED USE DISTRICT TO LIMITED “I1” INDUSTRIAL DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2024, its members voted 11-2 in support of a motion to recommend **APPROVAL** of a request from JSG Properties, LLC (Owner), represented by Gary Jones (Officer), for the proposed rezoning from “EX” Mixed Use District to Limited “I1” Industrial District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2024, its members voted 11-2 in support of a motion to recommend **APPROVAL** of a request from JSG Properties, LLC (Owner), represented by Gary Jones (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on July 18, 2024, its members voted 11-2 in support of a motion to recommend **APPROVAL** of a request from JSG Properties, LLC (Owner), represented by Gary Jones (Officer), to rezone the Property from “EX” Mixed Use District to Limited “I1” Industrial District, to allow the expansion of an existing industrial and warehousing use, to allow the expansion of an existing industrial and warehousing use, subject to the following conditions:

1. Use of the property shall be limited to the following:
 - A. Any use as permitted and limited in the “EX” District.
 - B. A Fabrication and Production – General use with outdoor storage.; and
2. Any outdoor storage shall only be accessory to a Fabrication and Production – General use, so long as outdoor storage is placed and screened to the satisfaction of the Planning and Design Administrator.; and
3. All outdoor refuse and recycling areas shall be located in a position and screened to the satisfaction of the Planning and Design Administrator.; and
4. Any expansion of use shall require the entire property to be brought into conformance with the Planning and Design Ordinance (Chapter 135 of City Code).; and



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WHEREAS, the Property is legally described as follows:

PARCEL 1:

LOT TEN (10), IN SERENDIPITY PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART CONVEYED TO THE CITY OF DES MOINES BY WARRANTY DEED RECORDED IN BOOK 8566 AT PAGE 690, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST COMER OF SAID LOT 10; THENCE NORTH 0°11'35" EAST ALONG THE WEST LINE OF SAID LOT 10, A DISTANCE OF 20.17 FEET; THENCE SOUTHEAST ALONG A 772.50 FOOT RADIUS CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 8°30'37", A CHORD DISTANCE OF 114.63 FEET, A CHORD BEARING OF SOUTH 85°31'23" EAST, FOR AN ARC DISTANCE OF 114.74 FEET; THENCE SOUTH 89°32'45" EAST, 100.10 FEET; THENCE SOUTH 0°27'15" WEST, 11.62 FEET; THENCE NORTH 89°40'53" WEST ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 214.36 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AND

PARCEL 2:

THE WEST 200 FEET OF LOT ELEVEN (11) (EXCLUDING STREET), IN SERENDIPITY PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AND

PARCEL 3:

PARCEL "A" OF LOT FOURTEEN {14}, IN SERENDIPITY PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 8527 AT PAGE 895 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 195.16 FEET OF THE WEST 200.00 FEET OF LOT 14, SERENDIPITY PLAT TWO, AN AUDITORS PLAT, DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on August 5, 2024, by Roll Call No. 24-1063, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on August 19, 2024, at 5:00 p.m., at the City Council Chambers; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposals; and

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WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "EX" Mixed Use District to Limited "I1" Industrial District, to allow the expansion of an existing industrial and warehousing use, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO continue the hearing to allow staff to work with the applicant on conditions to plant larger trees and keep the dumpster enclosed in the building until September 16, 2024.
 FORM APPROVED: Second by Gatto.

/s/ Chas M. Cahill
 Chas M. Cahill
 Assistant City Attorney

(ZONG-2024-000020) (COMP-2024-000015)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| BOESEN | ✓ | | | |
| SIMONSON | ✓ | | | |
| VOSS | ✓ | | | |
| COLEMAN | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| GATTO | ✓ | | | |
| TOTAL | 7 | | | |

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Connie Boesen Mayor

Laura Baumgartner City Clerk